

REMARKS

The Office Action dated March 15, 2004, has been received and carefully noted. The above amendments and the following remarks are submitted as a full and complete response thereto.

By this Amendment, claims 5 and 6 have been canceled and claim 1 has been amended. No new matter has been added. Claims 1-4, 9-15, 17, 18 and 20 are pending and respectfully submitted for consideration.

The Applicant wishes to thank the Examiner for indicating allowable subject matter in claims 11-15. Claims 11-15 were not rewritten in independent form as they depend from claim 1 which is allowable for the reasons submitted below.

The Office Action required that claims 5 and 6, which were non-elected with traverse, be canceled in reply to this Office Action. The Applicant has canceled claims 5 and 6 in response to this Office Action.

Claims 1-4, 9-15, 17, 18 and 20 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. The Applicant has amended claim 1 responsive to the rejection and submits that all claims are in compliance with U.S. patent practice.

Claims 1, 9, 17, 18 and 20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Krajicek (U.S. Patent No. 4,852,210) in view of Lundstedt (U.S. Patent No. 5,862,565). Krajicek was cited for disclosing many of the claimed elements of the invention with the exception of a gripping and manipulating means being capable of clipping or snap-fastening the broomstick or handle to a central rod. Lundstedt was cited for curing this deficiency.

Claims 9, 17, 18 and 20 depend from claim 1. The Applicant traverses the rejection and respectfully submits that claims 1, 9, 17, 18 and 20 recite subject matter that is neither disclosed nor suggested by the combination of Krajicek and Lundstedt.

Claim 1 recites a multifunction plate for a surface cleaner, comprising a plate of a rectangular shape, provided with an interchangeable gripping and manipulating means, as well as with means for securing pieces of textile. The interchangeable gripping and manipulating means, between a broom-stick or a holding handle and a central rod connected to the plate, are capable of clipping or snap fastening the broom stick or handle. There are a plurality of means for fixing different types of pieces of textile to the plate, the fixing means being at least one of the following: on a lower base of the plate, plane portions for self-gripping strips; on an upper face of the plate, at least clamping mechanisms co-operating with windows or cavities in the plate to hold the types of pieces of textile having turned-back edges, and holes suitable for press stud systems for fixing clips.

Krajicek discloses a wet mop comprising a handle 1 which is pivotally connected to a plate 9 by universal joint 3 (col. 2, lines 25-42). With reference to Figures 1-8, the plate is a flat, rigid structure having shoulders 11 integrally molded on the top side (col. 2, lines 55-56). Holes 21 are drilled in the plate 9 to accommodate foundation 22 of a pad gripper 20 (col. 3, lines 12-13). The foundation 22 comprises a shank with a flat base (col. 3, lines 14-15). Pad grippers 20 have downwardly extending bristles 23 to engage scrubbing pad 19 (col. 3, lines 19-21). Instead of a scrubbing pad 19, a cloth wipe 216 may be wrapped over the perimeter of the plate, and an elastic band 27 wrapped around the perimeter to draw the cloth wipe 26 taught (col. 3, lines 46-54).

Lundstedt discloses a cylindrical spindle connector 200 and a pivoting connector 300 in an apparatus for cleaning or scrubbing. The second pivoting connector 300 can be made from a sufficiently resilient material to allow leg sections 340 and 345 to flex outward until retaining lugs 310 and 320 drop into a hole 235 of the spindle connector 200. This cooperation between hole 235 and retaining lugs 310 and 320 allows the second pivoting connector 300 to pivot freely about axis D while being fixedly engaged to the spindle connector 200.

With respect to claims 1, 9, 17, 18 and 20, the Applicant respectfully submits that the combination of Krajicek and Lundstedt fails to disclose or suggest the claimed features of the invention, and therefore, does not support a *prima facie* case of obviousness of the claims. Claim 1 recites an interchangeable gripping and manipulating means. The Office Action took the position that the assembly of the sleeve 6 and the swivel 7 are comparable to the interchangeable gripping and manipulating means recited in claim 1. The Office Action stated that “(the portions (6) and (7) *may be* interchangeable as the central rod is not permanently fixed to secure (7) (see Figure 4) or *can be* interchangeable in that the features *may be broken* and replaced).” Emphasis added. The emphasized language in the Office Action is mere speculation. Further, the sleeve 6 and swivel 7 may never break, in which event, there is no interchangeability. Therefore, Krajicek fails to disclose or suggest at least the feature of an interchangeable gripping and manipulating means, as recited in claim 1. Lundstedt fails to cure the deficiencies in Krajicek with respect to claim 1 as Lundstedt also fails to disclose an interchangeable gripping and manipulating means. Accordingly,

the combination of Krajicek and Lundstedt fails to disclose or suggest the features of the invention as recited in claim 1.

Claims 1, 10 and 16 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Thomas (U.S. Patent No. 3,465,377) in view of Lundstedt. As a preliminary matter, the Applicant notes that claim 16 was canceled in the Response dated December 30, 2003. Thomas was cited for disclosing many of the claimed elements of the invention with the exception of the gripping and manipulating portion being capable of clipping or snap-fastening to a central rod. Lundstedt was cited for curing this deficiency.

Claim 10 depends from claim 1. The Applicant traverses the rejection and respectfully submits that claims 1 and 10 recite subject matter that is neither disclosed nor suggested by the combination of Thomas and Lundstedt.

Thomas discloses a floor cleaning mop having a handle 2, a swivel 3 and a connecting plate 4 attaching the handle to a base 1 (col. 2, lines 21-22). The mop base 1 is designed to receive a wiper 6 (col. 2, line 26). With reference to Figures 1 and 4-5, Thomas discloses that for fastening the wiper 6 to the base, suitable clamps may be provided as indicated by 17, 18 (col. 3, lines 6-13).

With respect to claims 1 and 10, the Applicant respectfully submits that the combination of Thomas and Lundstedt fails to disclose or suggest the claimed features of the invention. Claim 1 recites a plate of a rectangular shape. In contrast, Thomas discloses a plate having a shape which is not rectangular. The Office Action stated that the plate in Thomas is of a “generally” rectangular shape. However, “generally rectangular” is not recited in the claims. It appears that the Office Action copied this

rejection from a previous Office Action at a time when “generally rectangular” was recited in claim 1. Since “generally” is not recited in claim 1, the rejection of claim 1 is improper because Thomas does not disclose a plate of a rectangular shape.

Claim 1 also recites an interchangeable gripping and manipulating means. In contrast, there is no disclosure or suggestion in Thomas that the swivel assembly 3 is interchangeable. The Office Action’s suggestion that the swivel assembly 3 can be interchangeable “if the joint or rod was broken”, is mere speculation that does not explicitly or implicitly teach interchangeability.

Further, claim 1 recites holes suitable for press stud systems for fixing clips. Although the Office Action took the position that Fig. 2 of Thomas discloses holes, there are no holes shown in the base 1 in Fig. 2. Fig. 2 merely shows the bottom of the resilient material 5, having spaced rows 9, 10, 11 and 12. None of the rows or the dished portion of the mop base 7 in Thomas have holes therein. Accordingly, Thomas fails to disclose additional features of the invention beyond those acknowledged in the Office Action.

Claim 1 was also rejected under 35 U.S.C. § 103(a) as being unpatentable over Garcia (U.S. Patent No. 5,419,015) in view of Lundstedt. Garcia was cited for disclosing many of the claimed elements of the invention with the exception of a gripping and manipulating means capable of clipping or snap-fastening the broomstick or handle. Lundstedt was cited for curing this deficiency.

The Applicant traverses the rejection and respectfully submits that claim 1 recites subject matter that is neither disclosed nor suggested by the combination of Garcia and Lundstedt.

Garcia discloses a mop including a mop head 20, a mop handle 21, and a work pad 31 (col. 2, lines 28-30). With reference to Figures 1-2, Garcia discloses that a hub 41 and the lower end of the handle 21 are joined via a universal joint means 25 (col. 2, lines 43-45). The universal joint means include an upper pivot pin or shaft 29 and a lower pivot pin or shaft 30 (col. 2, lines 45-46). Any universal joint structure may be used to join handle 21 to support plate 22 (col. 2, lines 50-51). The bottom surface of the support plate 22 is a flat planar surface against which work pad 31 is fastened (col. 2, lines 52-56).

As discussed above, claim 1 recites an interchangeable gripping and manipulating means. The Office Action took the position that the universal joint means 25 in Garcia was comparable to the gripping and manipulating means recited in claim 1. However, there is no disclosure or suggestion in Garcia that the universal joint means 25 is interchangeable. Further, the Office Action did not set forth that the universal joint means 25 in Garcia is interchangeable. Accordingly, Garcia fails to disclose additional features of the invention beyond those acknowledged in the Office Action.

Lundstedt fails to cure the deficiencies in Garcia with respect to claim 1, as Lundstedt does not disclose or suggest an interchangeable gripping and manipulating means. Accordingly, Garcia and Lundstedt, in combination, fail to disclose or suggest the claimed features of the invention.

Claims 2-4 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Krajicek in view of Lundstedt and further in view of Nichols et al. (U.S. Patent No. 4,642,837, "Nichols"). The Applicant submits that claims 2-4 depend from claim 1 and are allowable for at least this reason.

Under U.S. patent practice, the PTO has the burden under §103 to establish a *prima facie* case of obviousness. In re Fine, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988). Both the case law of the Federal Circuit and the PTO itself have made clear that where a modification must be made to the prior art to reject or invalidate a claim under §103, there must be a showing of proper motivation to do so. The mere fact that a prior art reference could arguably be modified to meet the claim is insufficient to establish obviousness. The PTO can satisfy this burden only by showing some objective teaching in the prior art or that knowledge generally available to one of ordinary skill in the art would lead that individual to combine the relevant teachings of the references. Id. In order to establish obviousness, there must be a suggestion or motivation in the reference to do so. See also In re Gordon, 221 USPQ 1125, 1127 (Fed. Cir. 1984) (prior art could not be turned upside down without motivation to do so); In re Rouffet, 149 F.3d 1350 (Fed. Cir. 1998); In re Dembiczak, 175 F.3d 994 (Fed. Cir. 1999); In re Lee, 277 F.3d 1338 (Fed. Cir. 2002). The Office Action restates the advantages of the present invention to justify the combination of references. There is, however, nothing in the applied references to evidence the desirability of these advantages in the disclosed structure. As such, Krajicek, Lundstedt, Garcia, Thomas and Nichols, either singly or in combination, fail to disclose or suggest the claimed features of the invention.

In view of the above, the Applicant respectfully submits that the Office Action has failed to establish a *prima facie* case of obviousness for purposes of a rejection of claims 1-4, 9-15, 17, 18 and 20 under 35 U.S.C. §103.

Claims 2-4, 9-15, 17, 18 and 20 depend from claim 1. The Applicant respectfully submits that these dependent claims are allowable at least because of their

dependency from allowable base claim 1. Accordingly, the Applicant respectfully requests allowance of claims 1-4, 9-15, 17, 18 and 20 and the prompt issuance of a Notice of Allowability.

Should the Examiner believe anything further is desirable in order to place this application in better condition for allowance, the Examiner is requested to contact the undersigned at the telephone number listed below.

In the event this paper is not considered to be timely filed, the Applicant respectfully petitions for an appropriate extension of time. Any fees for such an extension, together with any additional fees that may be due with respect to this paper, may be charged to counsel's Deposit Account No. 01-2300, **referencing Attorney Dkt. No. 100210-00001.**

Respectfully submitted,



Rhonda L. Barton
Attorney for Applicant
Registration No. 47,271

Customer No. 004372
ARENT FOX PLLC
1050 Connecticut Avenue, N.W., Suite 400
Washington, D.C. 20036-5339
Tel: (202) 857-6000
Fax: (202) 638-4810

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Enclosure: Petition for Extension of Time (one-month)

TECH/248705.1